



U.S. Department of Justice

*United States Attorney
Southern District of New York*

MEMO ENDORSED

86 Chambers Street
New York, New York 10007

October 19, 2023

VIA ECF

Honorable Jessica G. L. Clarke
United States District Judge
United States District Court
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *United States Court Security Officers, et al. v. United States Marshals Service,*
22 Civ 1380 (JGLC)

Dear Judge Clarke:

This Office represents the defendant United States Marshals Service (“USMS” or the “Government”) in the above-referenced Administrative Procedure Act (“APA”) case commenced by plaintiffs. I write respectfully to request that the Court: (1) extend the current deadline for plaintiffs and USMS to complete fact discovery, ECF No. 40, from November 6, 2023, to **December 1, 2023**; and (2) adjourn the case management conference scheduled for November 27, 2023, at 10:00 a.m., ECF Nos. 40, 48, to a date and time after December 1, 2023, that is convenient for the Court and the parties. The extension is requested due to the need to complete the in-person and remote depositions of all nine individual plaintiffs¹ and an organizational plaintiff, some of which had to be rescheduled due to illness, technical difficulties, and unforeseen conflicts. The extension is also requested because on October 4, and October 5, 2023, respectively, the Government and plaintiffs each served on Centerra Group, LLC, a document subpoena with a return date of October 23, 2023, and a notice for a 30(b)(6) deposition to take place on a date and time convenient for the witness and the parties. USMS and plaintiffs are awaiting Centerra’s responses to both subpoenas. This is the Government’s first request for an extension of time to complete fact discovery. Plaintiffs consent to this request.

As of the filing of this letter, the depositions of the USMS’s 30(b)(6) witness and seven individual plaintiffs are scheduled to be completed by the current November 6, 2023 deadline, the depositions of two individual plaintiffs have been scheduled on November 14 and 16, 2023, and the parties are negotiating deposition dates for one individual plaintiff and for organizational plaintiff United States Court Security Officers to take place in November. To date, Centerra has not responded to the Government and plaintiffs’ requests for confirmation that the subpoenaed documents will be produced on or before October 23, 2023, and whether and when Centerra will make a 30(b)(6) witness available. To the extent Centerra’s document responses are not produced by, and/or a 30(b)(6) deposition does not take place before the requested December 1,

¹ Individual plaintiff Cephas Hunter has recently informed plaintiffs’ counsel that he no longer wishes to remain in the case. Plaintiffs’ counsel intends to file an appropriate stipulation or motion under Fed. R. Civ. P. 41 to dismiss Mr. Hunter’s APA claim against the Government with prejudice as soon as reasonably practicable.

2023 deadline, the Government or plaintiffs may seek further leave from the Court to extend the discovery deadline to obtain all requested discovery from Centerra.

We thank the Court for its consideration of these requests.

Respectfully submitted,

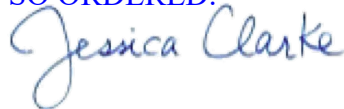
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cc: All Counsel of Record (via ECF)

Application GRANTED. The deadline for the completion of fact discovery is extended to **December 1, 2023** and the case management conference, previously scheduled for November 27, 2023 at 10:00 a.m. is rescheduled for **December 15, 2023 at 2:00 p.m.** A post-discovery joint status letter, as outlined in Section 3(d) of the Court's Individual Rules and Practices in Civil Cases, shall be submitted by **December 8, 2023.**

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge

Dated: October 20, 2023

New York, New York